

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) THOMAS and BECKY BANKS,

Plaintiff,

v.

(1) ALLSTATE INDEMNITY COMPANY,

Defendant.

Case No. CIV-11-673-C

District Court of Oklahoma County

Case No. CJ-2012-3181

NOTICE OF REMOVAL

Defendant, Allstate Indemnity Company (“Allstate”) hereby submits its Notice of Removal of the above-styled cause to the United States District Court for the Western District of Oklahoma. In support, Allstate respectfully states as follows:

I.

Plaintiffs, Thomas and Becky Banks filed a Petition in the District Court of Oklahoma County, as above-captioned, and docketed as number CJ-2012-03181. Copies of all of the process and pleadings filed in this action to-date are presented and attached hereto as Exhibits 1, 2 and 3. A copy of the Docket Sheet from the State court action is also attached as Exhibit 4.

II.

Removal from state court is proper as subject matter jurisdiction exists under the diversity statute, 28 U.S.C. § 1332. First, the parties are of diverse citizenship. As reflected in paragraphs one and two of Plaintiffs’ State court Petition, Allstate Indemnity Company is an Illinois corporation with its principal place of business in Illinois, while

Plaintiffs are citizens of the State of Oklahoma. A copy of the Oklahoma Insurance Department Annual List of Foreign Insurers is attached as Exhibit 5.

Second, the requisite amount in controversy, exclusive of interests and costs, is in excess of \$75,000.00. § 1332(a). Plaintiffs' Petition alleges breach of contract and bad faith and sets forth in paragraph 3 an amount of alleged damages in excess of \$75,000.00.

III.

The parties to this action are of diverse citizenship and the amount in controversy exceeds the requisite amount under 28 U.S.C. § 1332. Therefore, the United States District Court for the Western District of Oklahoma has original jurisdiction of this matter under the diversity statute, and Defendant is entitled to have this action removed to federal court.

WHEREFORE, Defendant requests that the Court assume original jurisdiction of this cause and proceed with it to completion, and to enter such orders and judgments as may be necessary to protect its jurisdiction, or as justice may require.

Respectfully submitted,

s/ RICHARD J. HARRIS

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Attorneys for Defendant

Allstate Indemnity Company

CERTIFICATE OF SERVICE

☒ I hereby certify that on June 13, 2012, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

David Proctor, OBA #13863

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